

No. 5/2/98-2GSI

From

The Chief Secretary to Governments, Haryana.

To

1. All Heads of Department;
2. The Commissioners, Ambala/Hisar/Rohtak/Gurgaon Divisions;
3. All Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana; and
4. The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated Chandigarh, the August 28, 1998.

Subject:— Departmental Test for promotion of Class-III & Class-IV employees to the posts of Clerks.

Sir,

I am directed to refer to Haryana Govt. instructions issued vide letter No. 5/2/97-2GSI, dated 4th July, 1997 on the subject noted above wherein a qualifying test of matric level for filling up the posts of Clerks by promotion under the 20% posts of Clerks reserved for Class-III and IV employees was introduced.

2. The employees working in various departments of the State Government had questioned the validity of the instructions dated 4th July, 1997 by way of civil writ Petitions in the Punjab & Haryana High Court. In one of such Civil Writ Petitions bearing No. 14544/1997 filed by the employees of Industries Department Haryana, the Hon'ble High Court vide its judgement dated 3.12.97 has quashed that portion of the instructions dated 4th July, 1997 which prescribed passing of a test for being considered for promotion from Class-III & IV posts to the post of Clerk. Giving the rationale, the Hon'ble High Court observed that service conditions laid down in the rules could be varied only by way of amending the rules and not by way of issuing instructions.

3. In the light of the aforesaid judgement of the Hon'ble High Court, the State Government has framed General Rules, namely, the Haryana Civil Services (Promotion of Group—C and Group—D Employees) Rules, 1998 to enforce the system of departmental test in all the departments of the State Government. A copy of the Haryana Government notification No. GSR. 82/Const./Art. 309/98, dated 24.7.98 in this regard is sent herewith for strict implementation of the amended Rules in all cases of vacancies arising after 24.7.98. In other words these Rules shall have prospective application.

4. The contents of these Rules may also be brought to the notice of all concerned for their information and strict compliance.

Yours faithfully,

Sd/—

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners and Secretaries to Government, Haryana for information and necessary action.

Sd/—

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and Secretaries to Government, Haryana.

U.O. No. 5/2/98-2GSI

Dated Chandigarh, the August 28, 1998.

A copy is forwarded to the Principal Secretary/Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State/Parliamentary Secretary for information of the Chief Minister/Ministers/Ministers of State/Parliamentary Secretary.

Sd/—

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

The Principal Secretary/Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State/Parliamentary Secretary.

U.O. No. 5/2/98-2GSI

Dated Chandigarh, the August 28, 1998.

हरियाणा सरकार

सामान्य प्रशासन विभाग

अधिसूचना

दिनांक 24 जुलाई, 1998

संख्या सा0 का0 नि0 82/संवि0/अनुच्छेद 309/98—भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा, हरियाणा राज्य के सभी विभागों के ग्रुप ग और ब कर्मचारियों की लिपिक के पद पर पदोन्नति को विनियमित करने के लिये निम्नलिखित नियम बनाते हैं, अर्थात् :—

संक्षिप्त नाम, विस्तार तथा प्रारंभ

1. (1) ये नियम हरियाणा सिविल सेवाएं (ग्रुप ग और ब कर्मचारियों की पदोन्नति) नियम, 1998 कहे जा सकते हैं।

(2) ये राजपत्र में उनके प्रकाशन की तिथि से लागू होंगे।

लागू होना

2. ये नियम लिपिक के पद पर पदोन्नति के संबंध में हरियाणा राज्य के सभी विभागों के सभी ग्रुप ग और ग्रुप ब के कर्मचारियों को लागू होंगे।

पदोन्नति के लिए पात्रता

3. इस निमित्त बनाये गये किन्हीं अन्य नियमों में किसी बात के प्रतिकूल होते हुए भी, ऐसे ग्रुप ग और ग्रुप ब कर्मचारी जो दसवीं पास हैं और ग्रुप ग और ग्रुप ब पदों पर पांच वर्ष की सेवा की हो, या ग्रुप ग और ग्रुप ब दोनों पदों पर पांच वर्ष का संयुक्त अनुभव हो, जिनका वेतनमान लिपिक के वेतनमान से कम अथवा बराबर है, उनके लिये आरक्षित लिपिकों के 20 प्रतिशत पदों पर, पदोन्नति के लिये पात्र होंगे। जब ऐसे कर्मचारियों की लिपिक के पद पर पदोन्नति हेतु बारी आती है। तब उन्हें सम्बद्ध विभागाध्यक्ष द्वारा संचालित की जाने वाली मेट्रिक स्तर की हिन्दी और अंग्रेजी भाषाओं में लिखित विभागीय परीक्षा पास करनी होगी और केवल परीक्षा में पास होने पर ही, लिपिक के पद पर पदोन्नति के लिये उन पर विचार किया जायेगा। ऐसी पदोन्नतियां ज्येष्ठता एवं योग्यता के आधार पर की जायेंगी।

पदोन्नतियां

4. ऐसे पदोन्नत किये गये कर्मचारियों की परस्पर ज्येष्ठता उनके अपने संवर्ग में उनके ज्येष्ठता क्रम के अनुसार निर्धारित की जायेगी, यदि पदोन्नत किये जाने वाले व्यक्ति उसी संवर्ग से सम्बन्ध रखते हैं। यदि पदोन्नत किये जाने वाले व्यक्ति विभिन्न संवर्गों से सम्बन्ध रखते हैं तो उनका सेवाकाल विभाग में उनके प्रारम्भिक पद पर उनकी परस्पर ज्येष्ठता निर्धारित करने के प्रयोजन के लिये सुसंगत होगा।

राम एस0 वर्मा,

मुख्य सचिव, हरियाणा सरकार।

[Authorised English Translation]

**HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT**

Notification

The 24th July, 1998.

No. G.S.R. 82/Const./Art. 309/98.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Haryana hereby makes the following rules regulating the promotion of Group C and Group D employees of all the departments of the State of Haryana to the post of Clerk, namely :—

Short title extent and commencement

1. (1) These rules may be called the Haryana Civil Services (Promotion of Group C and Group D Employees) Rules, 1998.

(2) They shall come into force on the date of their publication in the official Gazette.

Application

2. These rules shall apply to all Group C and Group D employees of all the departments of the State of Haryana in respect of promotion to the post of Clerk.

Eligibility for promotion

3. Notwithstanding anything to the contrary contained in any other service rules framed in this behalf, Group C and Group D employees who are Matriculate and have put in five years service on Group C or Group D posts or combined experience of five years on both Group C and Group D posts, whose scales of pay are less than or equal to the scale of the post of Clerk, shall be eligible for promotion to the 20 percent posts of Clerk reserved for them. When the turn of such employees comes up for promotion to the post of Clerk, they shall have to pass a written departmental test in Hindi and English languages of the Matriculation level to be conducted by the Head of the Department concerned and only on being qualified they shall be considered for promotion to the post of Clerk. Such promotion shall be made on the basis of seniority-cum-fitness.

Seniority

4. The *inter-se* seniority of such promoted employees shall be determined according to their seniority position in their respective cadres, if the persons being promoted belong to the same cadre. In case the persons being promoted belong to different cadres, their length of service shall be relevant for the purpose of determining their *inter-se* seniority on the initial post in the department.

RAM S. VERMA,
Chief Secretary to Government, Haryana.